REMARKS

The Office Action mailed May 20, 2004, has been received and reviewed. Claims 3 through 17 are currently pending in the application. Claims 1, 2, 4 through 7, and 9 through 17 stand rejected. Claim 8 has been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Claim 3 is allowed. Applicants have cancelled, without prejudice, claims 1 and 2. Applicants have amended claims 4, 6, 8-11, 16 and 17, and respectfully request reconsideration of the application as amended herein.

Allowed Claim(s)

Claim 3 has been allowed.

Objections to Claim(s)/Allowable Subject Matter

Claim 8 stands objected to as being dependent upon a rejected base claim, but is indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicants have amended and thereby rewritten claim 8 in independent form. Therefore, claim 8 is now allowable and Applicants respectfully request that the objection be withdrawn.

35 U.S.C. § 102(a) Anticipation Rejections

Anticipation Rejection Based on EP 1 089 500 A2 to Naim

Claims 1, 4 through 7, and 9 through 17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Naim (EP 1 089 500 A2). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1

Regarding claim 1, claim 1 has been cancelled without prejudice for filing by Applicants in any forthcoming continuation applications.

Claim 4 and Dependent Claims 5, 12 and 13

Applicants have amended independent claim 4 to include additional claim elements that the Examiner has deemed distinguishing over the prior art of record. Namely, Applicants have amended claim 4 to include various steps or acts including at least one drawn to calculation of a first delay term according to the packet delay time function of allowed claim 3 and objected-to claim 8. The Naim reference does not disclose such a calculation. Therefore, Applicants respectfully request that the rejection to independent claim 4 and claims 5, 12 and 13 depending therefrom be withdrawn.

Claim 6 and Dependent Claims 7, 14 and 15

Applicants have amended independent claim 6 to include additional claim elements that the Examiner has deemed distinguishing over the prior art of record. Namely, Applicants have amended claim 6 to include various steps or acts including at least one drawn to calculation of a first delay term according to the packet delay time function of allowed claim 3 and objected-to claim 8. The Naim reference does not disclose such a calculation. Therefore, Applicants respectfully request that the rejection to independent claim 6 and claims 7, 14 and 15 depending therefrom be withdrawn.

Dependent Claims 9, 10 and 11

Claims 9, 10 and 11 originally depended from now-cancelled claim 1. Applicants have amended claims 9, 10 and 11 to depend from objected-to and now rewritten in independent form claim 8. Therefore, Applicants respectfully request that the rejection of dependent claims 9, 10 and 11 be withdrawn.

Claim 16

Applicants have amended independent claim 16 to include additional claim elements that the Examiner has deemed distinguishing over the prior art of record. Namely, Applicants have

amended claim 16 to include various means for steps or acts including at least one drawn to calculation of a first delay term according to the packet delay time function of allowed claim 3. The Naim reference does not disclose such a calculation. Therefore, Applicants respectfully request that the rejection to independent claim 16 be withdrawn.

Claim 17

Applicants have amended independent claim 17 to include additional claim elements that the Examiner has deemed distinguishing over the prior art of record. Namely, Applicants have amended claim 17 to include various steps or acts including at least one drawn to calculation of a first delay term according to the packet delay time function of allowed claim 3. The Naim reference does not disclose such a calculation. Therefore, Applicants respectfully request that the rejection to claim 17 be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on EP 1 089 500 A2 to Naim in view of U.S. Patent No. 6,411,617 to Kilkki et al.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Naim (EP 1 089 500 A2) in view of Kilkki et al. (U.S. Patent No. 6,411,617). Applicants respectfully traverse this rejection, as hereinafter set forth. Regarding claim 2, claim 2 has been cancelled without prejudice for filing by Applicants in any forthcoming continuation applications.

ENTRY OF AMENDMENTS

The amendments to claims 4, 6, 8-11, 16 and 17 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 3-17 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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Attachment: Replacement Sheet
               Annotated Sheet Showing Changes
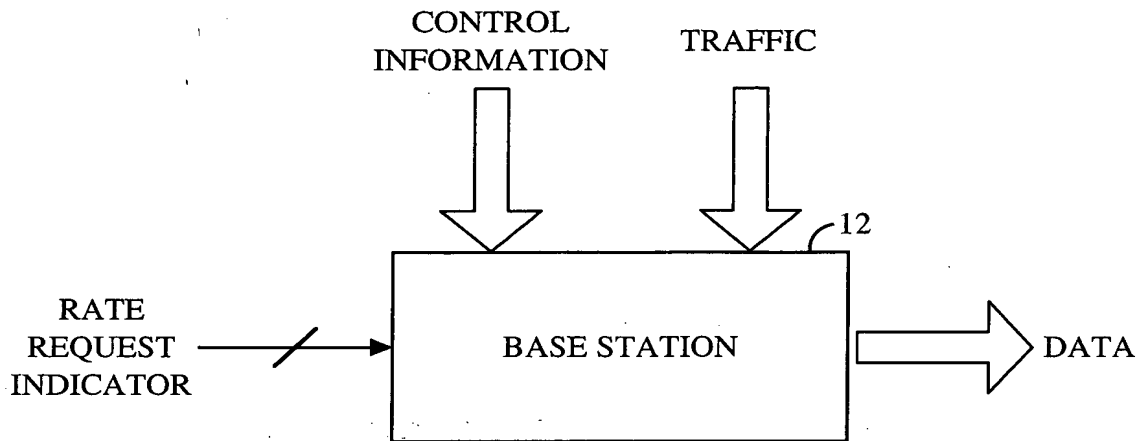
Annotated Sheet
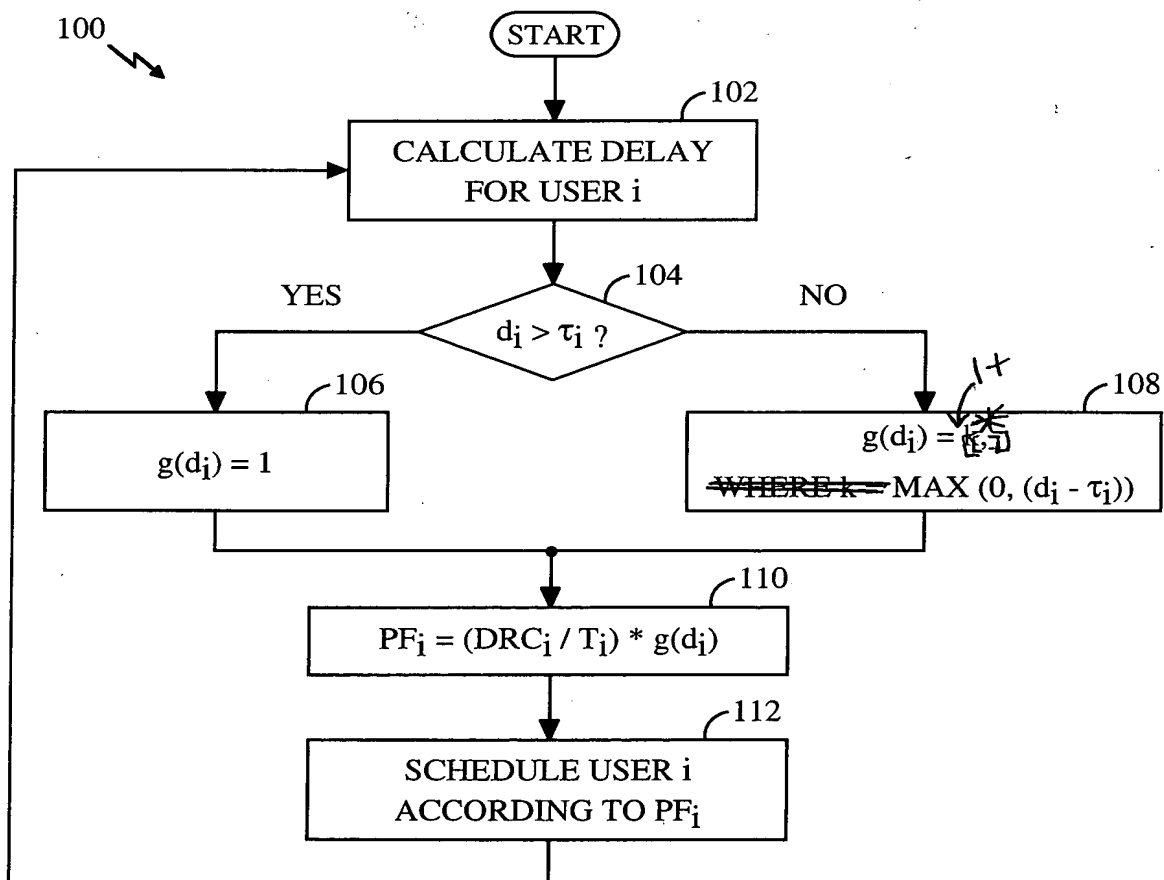Showing Changes

CONTROL
INFORMATION   TRAFFIC

RATE
REQUEST   →   BASE STATION   ⟹   DATA
INDICATOR

FIG. 3

(START)

100

CALCULATE DELAY   ⌐102
FOR USER i

YES   NO
                $d_i > \tau_i$?   ⌐104

⌐106   ⌐108
$g(d_i) = 1$ $g(d_i) = k$
                      WHERE k = MAX $(0, (d_i - \tau_i))$

PF$_i$ = (DRC$_i$ / T$_i$) * g(d$_i$)   ⌐110

SCHEDULE USER i   ⌐112
ACCORDING TO PF$_i$

FIG. 5